

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 317

Introduced by Assembly Member Solorio

February 18, 2009

~~An act relating to postsecondary education.~~ *An act to amend Section 66406.7 of the Education Code, relating to college textbooks.*

LEGISLATIVE COUNSEL'S DIGEST

AB 317, as amended, Solorio. Postsecondary education: ~~textbook affordability.~~ *college textbooks.*

Existing

(1) *Existing* law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

~~Existing law expresses the finding and declaration of the Legislature that the production and pricing of college textbooks deserves a high level of attention from educators and lawmakers because they impact the quality and affordability of higher education. Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, among other things, to require college and university bookstores to work with the academic senates of each respective campus to pursue prescribed policies aimed at making textbooks more affordable for students.~~

~~This bill would express the intent of the Legislature to enact legislation that will make textbooks more affordable for California college students.~~

Existing law, the College Textbook Transparency Act, encourages faculty members and academic departments that select course materials at institutions of higher education to consider cost in the adoption of textbooks, and prohibits those persons and departments from demanding or receiving anything of value for adopting course materials, with specified exceptions. The act also requires each campus bookstore at a public postsecondary educational institution to post in its store, or on its Internet Web site, a disclosure of its retail pricing policy on new and used textbooks.

This bill would require each faculty member or academic department that selects course materials, and each campus bookstore at a public postsecondary educational institution, to provide the Internet address of a college open textbook Internet Web site, as defined. Because this bill would impose new duties on community college districts, the bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66406.7 of the Education Code is amended
- 2 to read:
- 3 66406.7. (a) This section shall be known and may be cited as
- 4 the College Textbook Transparency Act.
- 5 (b) As used in this section, the following terms have the
- 6 following meanings:
- 7 (1) "Adopter" means any faculty member or academic
- 8 department or other adopting entity at an institution of higher
- 9 education responsible for considering and choosing course

1 materials to be used in connection with the accredited courses
2 taught at that institution.

3 (2) “*College open textbook Internet Web site*” means
4 *www.collegeopentextbooks.org*.

5 ~~(2)~~

6 (3) “Complimentary copies” or “review course materials” only
7 includes books that in all appearances are the same as the regular
8 student edition of the textbook, and contain no material other than
9 that found in the regular student edition of the textbook.

10 ~~(3)~~

11 (4) “Instructor copies” or “complimentary teacher editions”
12 means books with information that is meant to be for the exclusive
13 use of teachers and not for students. These books contain answers
14 and solutions, test questions, and pedagogical techniques, and are
15 often labeled instructor’s edition or instructor’s manuals.

16 ~~(4)~~

17 (5) “New edition of textbook” means a subsequent version of
18 an earlier standard textbook. A standard textbook is the primary,
19 full, and unabridged edition of a textbook. An abridged, alternate
20 format, or alternate version of a standard textbook shall not be
21 considered a new edition.

22 ~~(5)~~

23 (6) “Publisher” means any publishing house, publishing firm,
24 or publishing company that publishes textbooks or other course
25 materials, specifically designed for postsecondary instruction.

26 ~~(6)~~

27 (7) “Textbook” means a book that contains printed material and
28 is intended for use as a source of study material for a class or group
29 of students, a copy of which is expected to be available for the use
30 of each of the students in that class or group. “Textbook” does not
31 include a novel.

32 ~~(7)~~

33 (8) “Unsolicited complimentary copies” means all items
34 described in paragraph-~~(2)~~ (3) and that were not requested by
35 faculty but are sent by the publisher unsolicited by a faculty or
36 staff member.

37 (c) (1) Adopters are encouraged to consider cost in the adoption
38 of textbooks.

39 (2) Publishers shall facilitate the work done by adopters by
40 providing transparency in the adoption process and shall be

1 responsive in a timely manner to requests for information on
2 textbook cost and content, and the full range of options.

3 (d) (1) On or after January 1, 2010, the publisher of a textbook
4 shall print on the outer cover of, or within, the standard textbook,
5 both of the following items:

6 (A) For any new editions of textbooks initially published on
7 or after January 1, 2010, a summary of the substantive content
8 differences between the new edition and the prior edition.

9 (B) The copyright date of the previous edition of the textbook.

10 (2) For instructor copies or complimentary teacher editions, it
11 shall be noted on the exterior of the book that the book is an
12 instructor's copy and is not for resale.

13 (e) (1) A publisher, or agent or employee of a publisher, of
14 textbooks intended for use at a postsecondary educational
15 institution shall respond to a request from an adopter for any of
16 the following:

17 (A) A list of the products offered for sale by that publisher that
18 are relevant to the needs and interests of adopters.

19 (B) The price at which the new book is available from the
20 publisher.

21 (C) The copyright date of any prior edition of a textbook, if
22 available.

23 (D) A list of the substantial content differences or changes made
24 between the current edition initially published on or after January
25 1, 2010, and the previous edition of the textbook, including, but
26 not necessarily limited to, new chapters, additional eras of time,
27 new themes, or new subject matter.

28 (2) The information described in this subdivision shall be
29 available in print or electronically to the adopter.

30 (f) Each campus bookstore at any public postsecondary
31 educational institution shall post in its store or on its Internet Web
32 site a disclosure of its retail pricing policy on new and used
33 textbooks *and the Internet address of a college open textbook*
34 *Internet Web site.*

35 (g) Each public postsecondary educational institution shall
36 encourage adopters with course material selection responsibilities
37 to place their orders with sufficient lead time, whenever possible,
38 to enable the university-managed bookstore or contract-managed
39 bookstore to confirm the availability of the requested materials.

1 (h) This section does not limit the authority of faculty over
2 decisions relating to the selection of textbooks.

3 (i) An adopter at an institution of higher education shall not
4 demand or receive anything of value, including the donation of
5 equipment or goods, any payment, loan, advance, or deposit of
6 money, present or promised, for adopting specific course materials
7 required for coursework or instruction, except that an employee
8 may receive any of the following:

9 (1) Complimentary copies, review course materials, or instructor
10 copies. The adopters shall not sell instructor copies.

11 (2) Royalties or other compensation from sales of course
12 materials that include the instructor's writing or other work. Receipt
13 of these royalties or compensation is subject to the employer's
14 standing policies or collective bargaining agreements relating to
15 employee conflicts of interest.

16 (3) Honoraria for academic peer review of course materials.
17 Receipt of honoraria is subject to the employer's standing policies
18 relating to employee conflicts of interest.

19 (4) Training in the use of course materials and course
20 technologies. Payment for travel and lodging and or meals shall
21 be subject to the employer's standing policies relating to employee
22 conflicts of interest and compensation.

23 (j) *An adopter at an institution of higher education shall provide*
24 *the Internet address of a college open textbook Internet Web site*
25 *on any syllabus, course materials list, and any other related course*
26 *materials, including course materials that are available*
27 *electronically, that list the textbooks required for that course.*

28 ~~(j)~~

29 (k) A publisher or campus bookstore shall not solicit faculty for
30 the purpose of the sale of instructor copies or complimentary
31 teachers editions of textbooks that have been provided by a
32 publisher at no charge to a faculty member or other employee.
33 This subdivision does not apply to unsolicited complimentary
34 copies.

35 ~~(k)~~

36 (l) A campus bookstore shall not engage in any trade of any
37 course material marked, or otherwise identified, as instructor copies
38 or complementary teachers editions of textbooks.

39 ~~(l)~~

1 (m) Any self-published textbook by an instructor for use with
2 that instructor's class shall be exempt from this section, if the
3 instructor discloses the publishing and use of those materials to
4 his or her employer institution.

5 *SEC. 2. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*

10 ~~SECTION 1. It is the intent of the Legislature to enact~~
11 ~~legislation that will make textbooks more affordable for California~~
12 ~~college students.~~